

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FITBIT, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 15-990 (RGA)
)	
ALIPHCOM d/b/a JAWBONE and)	
BODYMEDIA, INC.,)	
)	
Defendants.)	

JOINT STATUS REPORT

The parties in the above-captioned action, by and through their undersigned counsel, respectfully submit this Joint Status Report pursuant to the Court’s Order of February 21, 2017. *See* D.I. 21.

Procedural Status

Plaintiff Fitbit, Inc. (“Fitbit”) filed the Complaint in this action on October 29, 2015, asserting the infringement of three patents. *See* D.I. 1. Defendants Aliphcom d/b/a Jawbone and Bodymedia, Inc. (collectively, “Jawbone”) then filed a motion to stay this action pursuant to 28 U.S.C. § 1659, on the grounds that the parties were also parties to a proceeding before the International Trade Commission (the “ITC”), titled *Certain Wearable Activity Tracking Devices, Systems, and Components Thereof*, Investigation No. 337-TA-973 (the “ITC Investigation”), which involved the same patents asserted in this action. This Court granted Jawbone’s motion on January 6, 2016, and administratively closed this action until resolution of the ITC Investigation. *See* D.I. 17-18.

On December 23, 2016, Fitbit moved for termination of the ITC Investigation; neither Jawbone nor the International Trade Commission’s Investigative Staff opposed the motion, and it was granted by the Administrative Law Judge on January 3, 2017. The ITC Commission

determined not to review this decision and terminated the ITC Investigation on February 1, 2017. *See* D.I. 20.

After receiving notice that the ITC Investigation had been resolved, this action was reopened on February 21, 2017. *See* D.I. 21. In the order reopening this case, the Court also ordered that the parties file a joint status report “addressing the future schedule to be put in place.” *See* D.I. 21.

Jawbone’s Motion to Transfer Venue

The parties respectfully submit that a schedule need not be entered in this action because of a pending motion to transfer venue, which, as explained below, Fitbit does not oppose. Prior to the stay and administrative closure of this action, Jawbone had moved to transfer venue of this action to the U.S. District Court for the Northern District of California pursuant to 28 U.S.C. § 1404(a). *See* D.I. 12-13. The stay was entered before Fitbit filed any response to Jawbone’s motion. However, in a separate patent infringement action filed by Fitbit against Jawbone in this Court (*Fitbit, Inc. v. Aliphcom d/b/a Jawbone and Bodymedia, Inc.*, C.A No. 15-775-RGA), Jawbone also moved to transfer venue to the Northern District of California, which this Court granted on December 22, 2016. *See* C.A. No. 15-775-RGA, D.I.. 30; *see also* D.I. 11-12, 16, 20. In light of the Court’s order on Jawbone’s motion to transfer venue in the earlier case, Fitbit does not oppose Jawbone’s pending motion in this case.

If the Court requires further information, the Parties are available at the Court’s convenience.

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